UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-08-443-1
	§	
HORACIO TREVINO-SAENZ	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1)   There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(B); and

(2)   The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets is substantial. The defendant was a passenger in an 18-wheel tractor/trailer rig which contained over 750 kilograms of marihuana hidden in the trailer and the defendant admitted he and his co-defendant were being paid to transport it. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant is facing deportation if convicted and has substantial ties to Mexico. His family does not appear to have the resources necessary to address the risk of flight.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 17th day of June, 2008.

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B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE